

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date November 4, 2014
Dept. City Manager's Office

Item Title: **Planning Commission**

Staff Contact: Graham Mitchell, City Manager

Recommendation:

Receive staff's report and provide direction.

Item Summary:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. The City Council asked staff to address several specific topics:

- 1) Planning Commission activity,
- 2) Streamlining of the approval process,
- 3) Planning Commission costs (past & projected future), and
- 4) Overall benefits and drawbacks of a Planning Commission.

The staff report (**Attachment A**) provides an analysis of the specific topics addressed by the City Council on October 21st.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3

Mtg. Date November 4, 2014

Item Title: **Planning Commission**

Staff Contact: Graham Mitchell, City Manager

Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. The staff report includes the following sections in response to the City Council's request:

- Planning Commission Responsibilities,
- Planning Commission Activity,
- Streamlining the Approval Process,
- Planning Commission Costs,
- Benefits and Drawbacks, and
- Design Review Boards.

In preparation for this staff report, staff consulted with officials from other cities, representatives from the business and development community (San Diego East County Chamber of Commerce, the San Diego East County Economic Development Council, and the Building Industry Association of San Diego), and the City Attorney.

Planning Commission Responsibilities

In Lemon Grove, the Planning Commission acts as the advisory body to the City Council on land use matters. The Planning Commission has been delegated the following responsibilities:

- 1) Approval of conditional use permits, planned development permits, boundary adjustments, tentative parcel maps, variances, appeals of staff decisions, and CEQA certifications.
- 2) Provide recommendations to the City Council on General Plan/Specific Plan amendments, zoning amendments (text and map), tentative maps associated with Planned Development Permits, and CEQA certifications.

Planning Commission Activity

Using the time period of January 2012 through October 2014, staff categorized the types of items reviewed by the Planning Commission at its fourteen meetings. Following is a breakdown of the categories of items:

Item Category	# of Items	Required City Council Approval
Conditional Use Permit/Tentative Parcel Map (approval, modification)	7	0
Planned Development Permit (approval, extension, modification)	5	1
General Plan, Specific Plan, Zoning Amendments, Tentative Maps, State Reports	8	7
TOTAL	20	8

Attachment A

Of the twenty agenda items reviewed by the Planning Commission, eight items (or 40 percent) also required City Council review. In other words, over the past 34 months, by having a Planning Commission, twelve items have been kept off the City Council agenda—on average approximately one agenda item every three months.

Streamlining the Approval Process

One request from the City Council was for information about the potential time that would be saved for a project applicant in the event the Planning Commission was dissolved. Projects that currently only require Planning Commission approval would now only require City Council approval—the timeline for these projects would not change substantially. However, projects that involve General or Specific Plan amendments, changes to zoning, or tentative maps associated with Planned Development Permits currently require review by both the Planning Commission and the City Council.

Currently, once a complete application is submitted to the City, it takes approximately one week to prepare a staff report and presentation for the Planning Commission. After an application is complete, the applicant must wait for the next Planning Commission meeting for review. Because the Planning Commission meets monthly, this sometimes delays an application review by up to three weeks. However, staff works with applicants early on in the process to ensure the final application submittal is timed appropriately with the upcoming Planning Commission meeting. If the application also needs to be considered by the City Council, depending on the timing, this could delay final approval of the project by up to two weeks.

In short, a “worst case” timing scenario in which a project requires both Planning Commission and City Council consideration, if a final application submittal is provided at the beginning of a month, an applicant would have to wait over a month for final approval. For example, a complete project application submitted on October 1st would be heard by the Planning Commission on October 27th and then by the City Council on November 4th. Without a Planning Commission, that same project could be considered by the City Council on October 7th, saving almost a month in processing the application.

Planning Commission Costs

Continuing to use the time period of January 2012 through October 2014, staff calculated direct and indirect (staff) costs associated with preparing for and conducting Planning Commission meetings. Because the City operates on a “cost recovery” model for projects, many of the hard costs (noticing costs, direct staff time, consultants, etc.) were recovered. However, the City does not recover costs associated with non-project initiated items such as a City-initiated General Plan amendment or review of the Housing Element. Also, costs such as preparing minutes and agenda posting are not recovered.

Based on the past fourteen meetings, staff estimates that the City expended \$8,500 of non-recoverable costs to operate a Planning Commission. These expenditures are primarily associated with the eight City-initiated projects. The costs associated with the other projects, for the most part, were fully recovered through processing fees charged to the applicant. Staff estimates that the Planning Commission will meet between four to seven times in 2015 with a maximum non-recoverable annual cost of \$7,500.

Benefits & Drawbacks

To gain insights on the benefits and drawbacks of operating with and without a planning commission, staff spoke with officials from cities in San Diego County without planning commissions and officials that have worked in cities with and without planning commissions. Staff also spoke with representatives from the San Diego East County Chamber of Commerce,

Attachment A

the San Diego East County Economic Development Council, and the Building Industry Association of San Diego.

The first conclusion that staff drew from these conversations is that each city is unique and the need for a planning commission in their community is dependent on many factors. Some factors to consider in determining the value of having a planning commission include:

- 1) Volume and complexity of agenda items,
- 2) Amount of approval authority delegated to staff (more authority delegated to staff to review projects, reduces the role of the planning commission).
- 3) Technical skills and level of interest from the potential pool of planning commission candidates.

Following is a summary of the benefits of not having a planning commission, expressed by those interviewed by staff:

- Saves staff time and simplifies the process.
- Removing the planning commission streamlines the development process, saving a potential developer time, expenses, and uncertainty.
- Planning commissioners sometimes operate outside of their purview and it becomes challenging to correct.
- Planning commissions are asked to review technical documents but may have no technical expertise in this area. As a result, at times planning commissioners are ill-equipped to meet the intended goal of having a planning commission.
- Planning commissioners do not always see the “big picture” and may approve or deny a project using a narrower view than possessed by a city council.

Following is a summary of the drawbacks of not having a planning commission, expressed by those interviewed by staff:

- Planning commissioners are more insulated from the politics of a project than members of a city council.
- The planning commission serves as a filter and provides a vetting process (another negotiation step) in the approval of a project.
- Not having a planning commission may give an appearance of insufficient public input (however, this impression can be mitigated with effective outreach efforts).
- Items denied by the planning commission and appealed to the city council provide staff an opportunity to incorporate adverse public testimony into the analysis for the city council. This means that by the time the city council reviews an item, all of the “surprises” are out in the open.

Design Review Boards

During the City Council discussion on October 21st, there was an interest expressed in potentially changing the focus of the Planning Commission and considering having it do more design review work.

A design review board typically reviews projects to evaluate their consistency with a design ordinance or design program. A design review board determines whether proposed projects are compatible with nearby development, with a focus on the structure’s bulk, mass, and aesthetic appeal.

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Of the cities in the County without a planning commission, only Imperial Beach has a design review board. Design review boards require as much, if not more, time as planning commissions and become a board that exercises much subjectivity, slowing down approval processes and adding uncertainty for developers.

Staff does not recommend instituting a design review board because of the upfront and ongoing workload associated with this entity. If the City were to consider a design review board, the City would first need to determine the areas affected by the design standards and then establish a design ordinance or program. The process of creating a program involves significant public input. Because aesthetics are subjective and developing design standards is challenging, staff anticipates that this endeavor is an approximate two-year project, given current staffing demands. Staff's experience is that design review boards require significant staff time to manage and increase a city's exposure to litigation.

Conclusion:

Staff recommends that the City Council receive staff's report and provide direction.